

*Miscellaneous  
Ex Parte*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: The Right Brain Trust, LLC :  
Serial No: 75/757,251 :  
Filed: July 21, 1999 :  
Mark: THE SENIOR CHANNEL :  
Classes: 38 & 41 :  
Our Ref: RTBR-01/04759 :

**WITHDRAWAL OF REQUEST FOR ORAL ARGUMENT**

Box TTAB  
NO FEE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

This is further to the Reply Brief which was filed on April 2, 2002.

The Applicant requested oral argument in its Brief of December 14, 2001. Applicant hereby withdraws that request.

Applicant stresses that this withdrawal does not constitute a concession as to its position on the merits of the case, but rather because it believes that the paper record is an adequate basis upon which the TTAB may properly conclude that this mark is inherently registrable.

"Express Mail" mailing label No. EV120642911US Date of Deposit June 27, 2002  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.  
Diane B. Melnick *Diane B. Melnick*  
(Printed name of person mailing paper or fee) (Signature)

The Applicant respectfully requests that the Trademark Trial and Appeal Board reverse the refusal to register, and remand this application to the jurisdiction of the Examiner for the purposes of approving it for publication.

Dated: New York, New York  
June 27, 2002

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By: 

(Diane B. Melnick)

Attorneys for Applicant  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

I:\dmelnick\rtbr\020626-0104759-THE SENIOR CHANNEL-WITHDRAW ORAL ARG-DBM.doc